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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,083	08/02/2003	Jessica Sita Miller	IAG'SP	7409

7590

05/11/2004

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EXAMINER

LEUNG, PHILIP H

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,083

Applicant(s)

MILLER, JESSICA SITA

Examiner

Philip H Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The drawings filed on 8-2-2003 are acceptable.
3. In claim 4, the clause "wherein the temperature of the outside of said appliance, and especially the handle of said appliance" is objected to as unclear because of the word "especially". It is suggested to rewrite it as "wherein the temperature of the outside of said appliance *including* the handle of said appliance". In claim 5, the term "said container" should read "said appliance" instead. Furthermore, in claims 9-14, it is suggested to rewrite "the kettle of claim 8" to "The method of heating liquid of claim 8, wherein the kettle" in order to properly indicate the claims are directed to a method as in claim 8.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 8, 10 and 14, are rejected under 35 U.S.C. 102(b) as being anticipated by Waligorski et al (US 5,171,952).

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Waligorski shows a method of heating liquid to a desired temperature comprising the step of: (a) heating said liquid in a kettle 10, being microwavable. The kettle includes a handle 40, 41 and a spout 38 with a closure cap 45 (see Figures 1-4 and col. 2, line 28 – col. 4, line 53).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waligorski et al (US 5,171,952), in view of Weyrauch et al (EP 0 992 458) or Rybka et al (DE 199 48 923).

Waligorski shows a method of heating liquid to a desired temperature comprising the step of: (a) heating said liquid in a kettle 10, being microwavable. The kettle includes a handle 40, 41 and a spout 38 with a closure cap 45 (see Figures 1-4 and col. 2, line 28 – col. 4, line 53). It does not show the use of a lid and a filter. Weyrauch shows a liquid heating kettle 1 with a lid 4, which is hinged and removable, and a filter 9 under the lid for filter the input water (see Figures 1-5 and the English abstract). Rybka also shows a kettle 1 with a hinged lid 9 and a water filter 7 below the lid for filtering the input water into the kettle (see Figures 1, 2, 9 and 10 and the English abstract). It would have been obvious to an ordinary skill in the art to modify Waligorski to use a hinged lid with a filter to input water into the kettle so that the water is filtered to remove impurities for cleaner water output, in view of Weyrauch or Rybka.

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8. Claims 1, 3-5, 7, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waligorski et al (US 5,171,952), in view of Witonsky et al (US 6,222,168).

Waligorski shows a kitchen appliance comprising: a. means for heating liquid in a microwave oven (kettle 10). The kettle includes a handle 40, 41 (claim 4) and a spout 38 with a closure cap 45 (claim 7) (see Figures 1-4 and col. 2, line 28 – col. 4, line 53). It does not show the use of “means for reading and displaying the temperature of said liquid”. Witonsky shows a microwave heating bottle for heating a liquid in a microwave oven having a strip of thermometers 5 as the “means for reading and displaying the temperature of said liquid” (see Figures 1 and 2 and col. 5, line 58 – col. 7, line 19). It would have been obvious to an ordinary skill in the art to modify Waligorski to use a temperature detector with a display so that the temperature of the liquid being heated in a microwave oven can be observed and the heating can be more precisely controlled, in view of the teaching of Witonsky. In regard to claims 3 and 11, Witonsky also shows the use of an indicator on the liquid bottle (Figures 4A, 4B and 7). In regard to claim 5, since the kettle of Waligorski is made of a plastic material (col. 4, lines 29-53), it would be useable in a refrigerator. Anyway, the baby bottle of Witonsky is clearly useable in a refrigerator to prevent spoilage of the milk stored in the bottle before heating.

9. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waligorski et al (US 5,171,952), in view of Witonsky et al (US 6,222,168), as applied to claims 1, 3-5, 7, 9 and 11 above, and further in view of Weyrauch et al (EP 0 992 458) or Rybka et al (DE 199 48 923).

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Waligorski combined with Witonsky shows a kitchen appliance comprising means for heating liquid in a microwave oven (kettle 10) and means for reading and displaying the temperature of said liquid, whereby said liquid can be heated in said microwave oven to a desired temperature. It does not show the use of a lid and a filter. Weyrauch shows a liquid heating kettle 1 with a lid 4, which is hinged and removable, and a filter 9 under the lid for filter the input water (see Figures 1-5 and the English abstract). Rybka also shows a kettle 1 with a hinged lid 9 and a water filter 7 below the lid for filtering the input water into the kettle (see Figures 1, 2, 9 and 10 and the English abstract). It would have been further obvious to an ordinary skill in the art to modify Waligorski combined with Witonsky to use a hinged lid with a filter to input water into the kettle so that the water is filtered to remove impurities for cleaner water output, in view of the teaching of Weyrauch or Rybka.

10. The prior art made of record below is considered pertinent to applicant's disclosure:

Jamieson (US 4,751,359) is further cited to show a microwave water kettle. St. Phillips (US 4,933,525) is cited to further show a microwave heating container with temperature displaying devices on the container (see Figures 1-5 and col. 5, line 10 – col. 6, line 59) and Hoffmann et al (US 6,172,341) is further cited to show a water heating kettle with water level indicator (see Figure 1 and col. 7, lines 1-4).

11. Effective May 1, 2003, the address for mail to the USPTO is:

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-145

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12. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (703) 308-1710.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Pothier can be reached on (703) 308-0265. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Philip H Leung', is positioned above the printed name and title.

Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
5-7-2004